

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
Northern Division

RECEIVED

2006 APR 18 P 3:41

A. G., a minor child, by and through)
her mother and next of friend, et al.,)

Plaintiffs,)

vs.)

CASE NO. 2:05cv1090-MEF

AUTAUGA COUNTY BOARD)
OF EDUCATION, et al.,)

Defendants.)

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

**SECOND NOTICE OF COMPLIANCE WITH SUBPOENA
AND RENEWED MOTION FOR PROTECTIVE ORDER**

COMES NOW the City of Prattville, a municipal corporation, by and through their attorney in fact, and files this Notice of Compliance and Motion for Protective Order, and states as follows:

1. That a subpoena was issued on the 14th day of November, 2005, by Michael Crow, attorney for the Plaintiffs, to be served upon the City of Prattville, a municipal corporation, requesting information regarding reports of abuse at Autauga County Schools from October 1 through October 28, 2004 for Terri Cleveland Wright.

2. That on or about February 6, 2006, the City of Prattville filed a Motion to Quash Subpoena on the grounds that the City of Prattville had an ongoing criminal investigation concerning Defendant Terry Wright, and the documents created during said investigation were privileged, and requiring the City of Prattville to turn over such information could jeopardize said investigation and case. The Motion to Quash Subpoena was also on the grounds, among other things, that the victims in the case are juveniles and turning over the

documents would violate their right to privacy under federal and state law.

3. On February 14, 2006, this Court issued an Order directing the City of Prattville to produce the requested documents *in camera* and under seal on or before March 3, 2006.

4. On February 23, 2006 the non-party City of Prattville filed a motion for protective order along with the documents filed *in camera* in response to plaintiff's motion to compel.

5. A telephone conference was held on March 28, 2006, in which the Court directed City of Prattville to designate for the court *in camera* which documents in the investigative file that are responsive to the subpoena be provided to the Court on or before April 11, 2006. Counsel for City of Prattville later moved for an extension of time for designation of documents due to a fire in downtown Prattville which resulted in said counsel's office being out of service for about a week relocating to another office. Said extension was granted by the Judge's Office to April 18, 2006. City of Prattville counsel was instructed to file a motion to continue contemporaneously with their response which they have done and attached hereto as Exhibit "A".


6. As of this date, the attorney in fact for the City of Prattville has spoken to the Investigative Department of the City of Prattville, who indicates their investigation is complete.

7. As of this date, the attorney for the City of Prattville has spoken to Glenn Goggans, Chief Deputy of the District Attorney's Office of the Nineteenth Circuit, who indicates that the documents included in response to this subpoena contain evidence that most likely will be used at trial which is scheduled for May 22, 2006.

8. The City of Prattville would renew all its objections in its original motion to quash.

WHEREFORE, pursuant to this Court's Order, the non-party City of Prattville, a municipal corporation, hereby complies with said subpoena, by hand delivering the sensitive and confidential documents, under seal, to this Honorable Court for its *in-camera* review; and renews its request to deny the issuance of the material until the criminal trial is over, or in the alternative, enter a Protective Order after conducting its *in-camera* review.

Respectfully submitted,



DAVID A. McDOWELL (MCD037)
Attorney for City of Prattville, a non-party

McDowell, Faulk & McDowell, LLC
145 West Main Street
Prattville, AL. 36067
(334)365-5924

CERTIFICATE OF SERVICE

I hereby certify that I have this the 18th day of April, 2006, served a copy of the foregoing upon counsel of record, as set out below, by placing same in the U. S. Mail, postage prepaid and properly addressed to each.



Of Counsel

Michael J. Crow
Beasley, Allen, Crow, Methvin, Portis & Miles, PC
P. O. Box 4160
Montgomery, AL. 36103-4160

Robert D. Drummond
Attorney at Law
323 De LaMare
Fairhope, AL. 36532

Terry Wright
1268 Plum Street
Prattville, AL. 36066

Mark Boardman
Boardman, Carr & Hutcheson, PC
P. O. Box 382886
Birmingham, AL. 35238-2886